

**UNAPPROVED**

**BOARD OF DENTISTRY**

**MINUTES  
FORMAL HEARING**

**TIME AND PLACE:** A meeting of the Virginia Board of Dentistry convened on March 8, 2007, at 9:38 a.m. at the Department of Health Professions, Richmond, Virginia.

**PRESIDING:** Paul N. Zimmet, D.D.S.

**MEMBERS PRESENT:** Meera A. Gokli, D.D.S.  
Jeffrey Levin, D.D.S.  
Jacqueline G. Pace, R.D.H.  
Edward P. Snyder, D.D.S.  
Glenn A. Young, D.D.S.

**MEMBERS EXCUSED:** Darryl J. Pirok, D.D.S.  
Misty L. Sissom, R.D.H.  
James D. Watkins, D.D.S.

**MEMBERS ABSENT:** Millard D. Stith, Jr.

**STAFF PRESENT:** Sandra K. Reen, Executive Director  
Cheri Emma-Leigh, Operations Manager  
Cynthia E. Gaines, Adjudication Specialist

**COUNSEL PRESENT:** Howard Casway, Senior Assistant Attorney General

**OTHERS PRESENT:** William Clay Garrett, Assistant Attorney General  
Comiller T. Boyd, Court Reporter, Crane-Snead and Associates

**QUORUM:** With six members present, a quorum was established.

**GEORGE E. BERRYMAN, JR., D.D.S.**  
**Case Nos. 107556 and 111746**

George E. Berryman, Jr., D.D.S. appeared with counsel, Michael L. Goodman, Esq. and Dana A. Dews, Esq., to discuss allegations that he may have violated laws and regulations governing the practice of dentistry in that:

1. on October 26, 2006, Patient A presented for restoration of teeth #B and #J. Dr. Berryman administered 4 mg of Versed without obtaining Patient A's weight in determining the appropriate dosage. Further, the records did not contain a final blood pressure reading, the patient's responsiveness on discharge, or evidence

- of other monitoring such as pulse oximetry;
2. on October 24, 2006, Patient B presented for restoration of teeth #J and #I, at which time he documented that Patient B was congested and weighted 62 lbs. Dr. Berryman administered 5 mg of Versed, an initial dosage which is excessive for a child weighing 62 lbs. Further, Dr. Berryman failed to auscultate Patient B for breath sounds prior to administering the sedation;
  3. on June 14, 2006 and October 19, 2006, Patient C, who has a history of asthma, presented to Dr. Berryman's practice for endodontic procedures. On June 14, 2006, Dr. Berryman administered 10 mg of Versed to Patient C, which is an excessive initial dosage for a patient with a history of asthma. On October 19, 2006, Dr. Berryman administered 5 mg of Versed and 5 mg of Nubain to Patient C, but failed to document if Halcion, which was prescribed for pre-sedation, was taken by Patient C prior to the procedure;
  4. on October 19, 2006, Patient D presented for extraction of teeth #1, #16, #17, and #32. Dr. Berryman administered 5 mg of Versed, an initial dosage which is excessive. Further, Dr. Berryman discharged patient D approximately five minutes following the administration of Romazicon, an anesthetic reversal agent, which could have resulted in a relapse of the effects of the Versed. Finally, the consent for treatment signed by Patient D only contained the consent for sedation and did not include consent for the extractions;
  5. on May 9, 2006, Patient E presented for extraction of teeth #1 and #32. Dr. Berryman administered 10 mg of Versed, an initial dose which is excessive;
  6. Dr. Berryman failed to document the weights of Patients A, C, D and E, in their dental records;
  7. in his charting of procedures involving anesthesia. Dr. Berryman's charting lacked indications of the level of sedation and monitoring, including such findings of automatic blood pressure readings, EKG, or the use of a pulse oximetry;
  8. he violated Term 1 of the Board's Order entered September 6, 2005, in that, on thirteen (13) occasions between on or about October 11, 2005, and on or about February 6, 2006, Dr. Berryman administered conscious

- and intravenous sedation to Patients F-O. Further, by his own admission, Dr. Berryman used conscious sedation on approximately one patient a week and nitrous oxide on four to five patients a day; and
9. an unannounced inspection of his practice on March 2, 2006, found that:
    - a. his name is not displayed at the entrance of the office; and
    - b. he failed to maintain records of drugs wasted in his inventory log.

As a preliminary matter, the Board received the stipulated findings of fact as agreed to by Mr. Garret and Mr. Goodman.

The Board received testimony on behalf of the Commonwealth from Charles Cuttino, D.D.S., and Lynne H. Helmick, Senior Investigator.

The Board received Dr. Berryman's testimony and discussed the evidence in the case with him.

**Closed Meeting:**

Dr. Snyder moved that the Board convene a closed meeting pursuant to § 2.2-3711 (A) (28) of the Code of Virginia to deliberate in reaching a decision in the matter of George E. Berryman, Jr., D.D.S. Additionally, Dr. Snyder moved that Board Counsel, Howard Casway, and Board staff, Sandra Reen attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and passed.

**Reconvene:**

Dr. Snyder moved to certify that only public matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board. The motion was seconded and passed.

The Board reconvened in open session pursuant to § 2.2-3712(D) of the Code.

**Decision:**

Mr. Casway read the Findings of Fact and Conclusions of Law and Sanctions imposed as adopted by the Board as follows:

1. Dr. Berryman currently holds Virginia dental license, which said license was summarily suspended on January 29, 2007;
2. Finding of Fact and Conclusions of Law, allegation #1 as stipulated: Dr. Berryman violated § 54.1-2706(5), (9) and (11) of the Code, and 18 VAC 60-20-15 of the Regulations of the Board of Dentistry, in that, On October 26, 2006, Patient A presented for restoration of teeth #B and #J. Dr. Berryman administered 4 mg of Versed to Patient A, who weighed 61 lbs. Further, the records did not contain a final blood pressure reading, the patient's responsiveness on discharge, or evidence of other monitoring such as pulse oximetry;
3. Finding of Fact and Conclusions of Law, allegation #2 as stipulated: Dr. Berryman violated § 54.1-2706(5) and (11) of the Code, in that, on October 24, 2006, Patient B presented for restoration of teeth #J and #I, at which time he documented that Patient B weighed 62 lbs. and had been congested on a recent visit to another practitioner. Dr. Berryman administered 5 mg of Versed, an initial dosage which is excessive for a child weighing 62 lbs. Further, the record fails to indicate that Dr. Berryman auscultated Patient B for breath sounds prior to administering the sedation;
4. Finding of Fact and Conclusions of Law, allegation #3 as stipulated: Dr. Berryman violated § 54.1-2706(5), (9) and (11) of the Code, and 18 VAC 60-20-15 of the Regulations of the Board of Dentistry, in that, on June 14, 2006 and October 19, 2006, Patient C, who has a history of asthma, presented to Dr. Berryman's practice for endodontic procedures. On June 14, 2006, Dr. Berryman administered 10 mg of Versed to Patient C, which is an excessive initial dosage for a patient with a history of asthma. On October 19, 2006, Dr. Berryman administered 5 mg of Versed and 5 mg of Nubain to Patient C, but failed to document if Halcion, which was prescribed for pre-

sedation, was taken by Patient C prior to the procedure;

5. Finding of Fact and Conclusions of Law, allegation #4 as stipulated and amended as follows: Dr. Berryman violated § 54.1-2706(5) and (11) of the Code, in that, on October 19, 2006, Patient D presented for extraction of teeth #1, #16, #17, and #32. Dr. Berryman administered 5 mg of Versed, an initial dosage which is excessive. Further, Dr. Berryman discharged patient D approximately fifteen minutes following the administration of Romazicon, an anesthetic reversal agent, without documenting the patient's level of consciousness at discharge. Finally, the consent for treatment signed by Patient D only contained the consent for sedation and did not include consent for the extractions;
6. Finding of Fact and Conclusions of Law allegation #5 as stipulated: Dr. Berryman violated § 54.1-2706(5) and (11) of the Code, in that, on May 9, 2006, Patient E presented for extraction of teeth #1 and #32. Dr. Berryman administered an initial dose of 10 mg of Versed, which is excessive;
7. Finding of Fact and Conclusions of Law, allegation #6 as stipulated: violated § 54.1-2706(9) of the Code, and 18 VAC 60-20-15 of the Regulations of the Board of Dentistry, in that Dr. Berryman failed to document the weights of Patients C, D and E, in their dental records ;
8. Finding of Fact and Conclusions of Law allegation #7 as stipulated: Dr. Berryman violated § 54.1-2706(5), (9) and (11) of the Code, and 18 VAC 60-20-15(3) of the Regulations of the Board of Dentistry, in that, some of Dr. Berryman's patient charts lacked entries regarding the level of sedation and monitoring, including such findings of automatic blood pressure readings, EKG, or the use of a pulse oximetry;
9. Finding of Fact and Conclusions of Law, allegation #8 as stipulated: Dr. Berryman violated Term 1 of the Board's Order entered September 6, 2005, in that, on thirteen (13) occasions between on or about

- October 11, 2005, and on or about February 6, 2006, Dr. Berryman administered conscious and intravenous sedation to Patients F-O. Further, by his own admission, Dr. Berryman used conscious sedation on approximately one patient a week and nitrous oxide on four to five patients a day;
10. Findings of Fact and Conclusions of law, allegation #9(a) and (b) as stipulated: an unannounced inspection of his practice on March 2, 2006, found that Dr. Berryman :
    - a. violated § 54.1-2706(9) and § 54.1-2720 of the Code, in that, his name is not displayed at the entrance of the office; and
    - b. violated § 54.1-2706(9) and § 54.1-3404.D of the Code, in that he failed to maintain records of drugs wasted in his inventory log; and
  11. An additional Finding of Fact that Charles Cuttino, D.D.S., testified that Dr. Berryman's technique of delivery of sedation/anesthesia has the potential of leading to severe respiratory depression with severe consequences and, in the case of intramuscular ("IM") injections, there is no route of administering emergency drugs other than by IM or tracheal means, which would slow any response necessary. He further testified that Dr. Berryman's records did not consistently reveal the use of pulse oximetry during delivery of sedation/anesthesia and of obtaining an appropriate consent; and many of the recordation of pre-operative and post-operative vital signs were the same or only slightly different.

The sanctions reported by Mr. Casway were that Dr. Berryman be continued on indefinite suspension, with said suspension stayed for a period of not less than four (4) years. Prior to being permitted to resume practice, Dr. Berryman shall provide proof of having surrendered his DEA license, provide proof of having disposed of all Schedule II-V controlled substances in his practice, and complete seven (7) continuing education hours in recordkeeping and risk management, seven (7) continuing education hours in pharmacology, four (4) continuing education hours in ethics, and four (4) continuing

education hours in dental jurisprudence. Upon completion of the foregoing preconditions and authorization from the Board, Dr. Berryman may resume practice under the condition that he shall ONLY be permitted to administer Schedule VI local anesthetics, be subjected to unannounced inspections, and be assessed a monetary penalty of \$15,000.00

Ms. Pace moved to adopt the Findings of Fact, Conclusions of Law and Sanctions imposed as read by Mr. Casway. The motion was seconded and passed.

**ADJOURNMENT:**

With all business concluded, the Board adjourned at 1:35 p.m.

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Paul N. Zimmet, D.D.S., President

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Sandra K. Reen, Executive Director

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Date

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Date